

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

CHERYL and TOM HERMAN,

Plaintiffs,

vs.

MERCHANTS CREDIT GUIDE,

Defendant.

Case No. 10-cv-385-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiffs Cheryl and Tom Herman's Notice of Voluntary Dismissal (Doc. 13), which seeks to dismiss all claims against Defendant Merchants Credit Guide ("Merchants") with prejudice.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff has an absolute right to dismiss an action against an adverse party at any time before said party serves either an answer or a motion for summary judgment, whichever first occurs. Here, Merchants has yet to file either an answer or a motion for summary judgment. Accordingly, the Court acknowledges that this matter is at an end. Further, the Court **DIRECTS** the Clerk of Court to close the case file.

**IT IS SO ORDERED**  
**DATED: September 29, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**